

December 1, 2009

TO: Members of the MAG Regional Council

FROM: Councilwoman Peggy Neely, Phoenix, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Meeting - 5:00 p.m.
Wednesday, December 9, 2009
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

The next MAG Regional Council meeting will be held at the MAG offices at the time and place noted above. Members of the Regional Council may attend either in person, by videoconference or by telephone conference call. Members who wish to remove any items from the Consent Agenda are requested to contact the MAG office. MAG will host a dinner/reception for the Regional Council members following the meeting in the MAG Cholla Room on the 2nd floor. Supporting information is enclosed for your review.

Please park in the garage underneath the building. Parking places will be reserved for Regional Council members on the first and second levels of the garage. Bring your ticket to the meeting, parking will be validated. For those using transit, the Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

If you have any questions, please call the MAG office.

c: MAG Management Committee

**MAG REGIONAL COUNCIL
TENTATIVE AGENDA
December 9, 2009**

COMMITTEE ACTION REQUESTED

1. <u>Call to Order</u>	
2. <u>Pledge of Allegiance</u>	
3. <u>Call to the Audience</u> An opportunity will be provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.	3. Information.
4. <u>Executive Director's Report</u> The MAG Executive Director will provide a report to the Regional Council on activities of general interest.	4. Information and discussion.
5. <u>Approval of Consent Agenda</u> Council members may request that an item be removed from the consent agenda. Prior to action on the consent agenda, members of the audience will be provided an opportunity to comment on consent items. Consent items are marked with an asterisk (*).	5. Approval of the Consent Agenda.

ITEMS PROPOSED FOR CONSENT*

MINUTES

*5A. <u>Approval of the October 28, 2009, Meeting Minutes</u>	5A. Review and approval of the October 28, 2009, meeting minutes.
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TRANSPORTATION ITEMS***5B. MAG Fiscal Year 2010 Traffic Signal Optimization Program Project Recommendations**

The Fiscal Year (FY) 2010 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2009, includes \$321,000 for the FY 2010 Traffic Signal Optimization Program (TSOP) to improve traffic signal timing. A formal request for TSOP projects was announced by MAG on July 17, 2009, and 12 project applications were received. A regional workshop to provide training on signal timing software has also been included in the list of projects in response to requests received from MAG member agencies. The recommended projects will be carried out by MAG through Intelligent Transportation System (ITS) on-call consultants currently under contract. The MAG ITS Committee, the MAG Transportation Review Committee, and the MAG Management Committee recommended approval of the list of TSOP projects. Please refer to the enclosed material.

***5C. Revisions to the Arterial Life Cycle Program Policies and Procedures**

In 2004, MAG initiated the development of the Arterial Life Cycle Program (ALCP) to provide management and oversight for the implementation of the arterial component of the Regional Transportation Plan (RTP). In 2005, the Regional Council approved the ALCP Policies and Procedures ("Policies") to direct the implementation of the arterial street projects in an efficient and cost-effective manner. On April 22, 2009, the Regional Council approved revisions and refinements to the Policies. Since the approval, MAG member agencies have expressed concerns about the policies regarding ALCP project savings and programming the ALCP when a deficit of revenue occurs. On September 3, 2009, the ALCP Working Group met to discuss these concerns and other issues regarding the definition of a completed project for the Regional Area Road Fund (RARF) Closeout and data issues

5B. Approval of the list of FY 2010 Traffic Signal Optimization Program (TSOP) projects.

5C. Approval of the proposed changes to Section 350 of the ALCP Policies and Procedures.

encountered during the annual update process. The Transportation Review Committee and the Management Committee recommended approval. This item is on the December 2, 2009, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

*5D. Revision of Highway Projects to Be Funded with American Recovery and Reinvestment Act Funds

On September 30, 2009, the MAG Regional Council approved reprioritizing the American Recovery and Reinvestment Act (ARRA) Highway project list based on the ability to obligate. Since that time, highway projects have continued to move forward with advertising, bids, and contract awards. There have been substantial differences in the amount of ARRA Highway funds programmed and the bid/contract award amount. The current project cost savings total \$2.36 million. Fourteen projects, either programmed with ARRA or on the project change sheet (separate agenda item) to be funded with ARRA, total \$127 million. It is anticipated that cost savings will continue, and the region will need to add more highway projects to the list to use project savings of ARRA Highway funds. It is recommended to add the SR-143 project at \$35.1 million to the approved ARRA Highway project list to be funded based on the ability to obligate. The Management Committee recommended approval of adding the SR-143 project to the ARRA Highway project list. This item is on the December 2, 2009, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

*5E. Additional Transit Projects to Be Funded with American Recovery and Reinvestment Act Funds

The American Recovery and Reinvestment Act (ARRA) directed \$66.4 million to transit projects in the MAG region. The ARRA legislation allows up to 10 percent of the funds to be directed toward operations. MAG initially programmed the ARRA transit funds to regional projects in

5D. Approval of adding the SR-143 project to the American Recovery and Reinvestment Act Highway project list to be funded based on the ability to obligate.

5E. Information, discussion, and possible action to approve the RPTA recommendation to add operating and ADA assistance projects to the MAG 2008-2012 TIP.

March 2009 with subsequent changes and modifications. Recently, the bids for transit projects have been coming in under the programmed costs, which result in available ARRA transit funds that need to be programmed. The Regional Public Transportation Authority (RPTA) Board met on November 19, 2009 and recommended approving priority guidelines, the methodology by which operating and preventive maintenance funds are allocated to Bus, Rail and ADA, and to amend the MAG 2008-2012 TIP to include operating and ADA assistance. This recommendation results in 11 projects to be added to the MAG 2008-2012 TIP, which is reflected on a separate agenda item, Project Changes – Amendments and Administrative Modifications to the FY 2008-2012 MAG Transportation Improvement Program. This item is on the December 2, 2009, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

*5F. Project Changes – Amendments and Administrative Modifications to the FY 2008-2012 MAG Transportation Improvement Program

The FY 2008-2012 Transportation Improvement Program and Regional Transportation Plan 2007 Update were approved by the MAG Regional Council on July 25, 2007. Since that time, there have been requests from member agencies to modify projects in the programs. Requested project changes include funding changes and new projects to be funded with ARRA funds, and a number of project changes that relate to the approval of conformity. The Transportation Review Committee and the Management Committee recommended approval of projects on pages 1-2 of the attachment. The projects on pages 3-4 of the attachment titled New Requests, are provided for the first time at the Transportation Policy Committee meeting on December 2, 2009. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

5F. Approval of amendments and administrative modifications to the FY 2008-2012 Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2007 Update.

*5G. American Recovery and Reinvestment Act (ARRA) Monthly Status Report

A Status Report on the American Recovery and Reinvestment Act (ARRA) funds dedicated to transportation projects in the MAG region is provided. This report covers the status of project development as of November 24, 2009. It reports on highway, local, transit, and enhancement projects programmed with ARRA funds and the status of project development milestones per project. Please refer to the enclosed material.

*5H. Federal Funded Projects Not Obligating in Federal Fiscal Year 2009

The Federal Fiscal Year (FFY) 2009 MAG Closeout process ran from March to July 2009 and ended on September 30, 2009. Two projects scheduled to obligate, either as planned in the normal Transportation Improvement Program (TIP) process or that were selected to receive federal funds through the MAG Closeout process, did not obligate before the end of FFY 2009. These projects are in addition to those that were approved by the MAG Regional Council for deferral in June and July 2009. Currently, the Draft MAG Federal Fund Programming Guidelines do not include policies addressing this issue. Please refer to the table listing information for projects requesting deferrals or that have not obligated in FFY 2009 as programmed and the deferral request letters from the sponsoring agency. The Transportation Review Committee and the Management Committee recommended approval of this item. Please refer to the enclosed material.

5G. Information.

5H. Approval to defer the Federal Fiscal Year (FFY) 2009 projects listed in the attached table to FFY 2010.

AIR QUALITY ITEMS

*5I. New Finding of Conformity for the FY 2008-2012 MAG Transportation Improvement Program and Regional Transportation Plan 2007 Update, As Amended

On July 25, 2007, the MAG Regional Council approved a Finding of Conformity for the FY

5I. Approval of the new Finding of Conformity for the FY 2008-2012 MAG Transportation Improvement Program and Regional Transportation Plan 2007 Update, as amended.

2008-2012 MAG Transportation Improvement Program (TIP) and MAG Regional Transportation Plan 2007 Update. Since that time, an amendment has been proposed that involves the addition of several projects, including Arizona Department of Transportation projects on Loop 101. MAG has conducted a regional emissions analysis for the proposed amendment and the results of the regional emissions analysis, when considered together with the TIP and RTP as a whole, indicate that the transportation projects will not contribute to violations of federal air quality standards. On October 6, 2009, a 30-day public review period began on the conformity assessment and amendment. The Management Committee recommended approval of this item. Please refer to the enclosed material.

*5J. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2008-2012 MAG Transportation Improvement Program (TIP). The proposed amendment involves several projects, including projects for the Arizona Department of Transportation, Fountain Hills, Mesa, Peoria, and Scottsdale. The amendment includes projects that are exempt from a conformity determination and the administrative modification includes minor project revisions that do not require a conformity determination. Comments on the conformity assessment are requested by December 4, 2009. Please refer to the enclosed material.

*5K. 2009 Inventory of Unpaved Roads

On May 23, 2007, the MAG Regional Council approved thirteen additional measures for the Suggested List of Measures to Reduce PM-10 Particulate Matter. One of these measures requires MAG to conduct an annual inventory of unpaved roads and estimated traffic counts by jurisdiction to measure progress in eliminating unpaved roads. Following an extensive process to develop the inventory, with assistance from the MAG member agencies MAG has prepared

5J. Consultation.

5K. Information and discussion.

detailed maps of unpaved roads and traffic counts and a summary table of unpaved road mileages in the PM-10 nonattainment area. A summary table was sent to all members of the MAG Management Committee on September 22, 2009. Members were also sent maps of the unpaved roads in their jurisdiction, where appropriate. In October 2009, MAG received updated information that has now been included in the inventory. Please refer to the enclosed material.

GENERAL ITEMS

*5L. Proposed 2010 Revisions to MAG Standard Specifications and Details for Public Works Construction

The MAG Standard Specifications and Details Committee has completed its review of proposed 2010 revisions to the MAG Standard Specifications and Details for Public Works Construction. These revisions have been recommended for approval by the committee and been reviewed by MAG Member Agency Public Works Directors and/or Engineers, and the MAG Management Committee. It is anticipated that the annual update packet will be available for purchase in early January 2010. Please refer to the enclosed material.

*5M. Approval of the July 1, 2009 Maricopa County and Municipality Resident Population Updates

MAG staff has prepared draft July 1, 2009 Maricopa County and Municipality Resident Population Updates. The Updates, which are used to allocate \$23 million in lottery funds to local jurisdictions, prepare budgets and set expenditure limitations, were prepared using the 2005 Census Survey as the base and housing unit data supplied and verified by MAG member agencies. Because there may be changes to the Maricopa County control total by the Arizona Department of Commerce, the MAG Population Technical Advisory Committee recommended approval of these Updates provided that the County control total is within one percent of the

5L. Information and discussion.

5M. Approval of the July 1, 2009 Maricopa County and Municipality Resident Population Updates provided that the Maricopa County control total is within one percent of the final control total.

final control total. The Management Committee concurred with the Population Technical Advisory Committee. Please refer to the enclosed material.

ITEMS PROPOSED TO BE HEARD

TRANSPORTATION ITEMS

6. Reallocation of Unused Local/MPO American Recovery and Reinvestment Act (ARRA) Funds Policy Options

Through the MAG committee process, discussions have been held regarding the anticipated unobligated Local/MPO ARRA funds due to low project cost bids and projects not obligating to meet the March 2, 2010, federal deadline. The research and analysis for this topic have focused around policy options of: providing additional ARRA funds for existing local ARRA projects, however, no increase in scope would be allowed; reducing the local match, but not below the minimum set by MAG policy, for other federally funded projects that would obligate by the deadline; funding other local projects in the region that are eligible for ARRA funds that could obligate by the deadline; transferring funds to transit; and transferring funds to ADOT. The Transportation Review Committee (TRC) met on October 29, 2009 and on November 13, 2009, to review and discuss programming and policy analysis related to programming anticipated unused ARRA funds and recommended moving forward with a policy option as noted in the committee action requested. The MAG Management Committee concurred with the recommendation of the TRC. This item is on the December 2, 2009, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

6. Approval that any unobligated American Recovery and Reinvestment Act (ARRA) Local funds due to either projects not obligating or project cost savings, are to be programmed at the local discretion first, and may remain ARRA funds or may be exchanged with the Arizona Department of Transportation (ADOT) for ADOT Surface Transportation Program (STP) funds. ADOT would then use the ARRA funds on highway projects in the MAG region and ADOT will transfer an equivalent amount of ADOT STP funds that can be used by MAG members on local federally funded projects. If applicable, the local agency may use project cost savings from their own original ARRA allocation to lower the 30 percent local cost share on projects programmed under the 70/30 cost share policy.

7. Administrative Modifications to the Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP)

Many of the MAG agendas reference administrative modifications to the Transportation Improvement Program and to the Regional Transportation Plan. Traditionally, these appear on the agendas as consent items. Federal requirements allow for minor changes to project/project phase costs, funding sources of previously-included projects, and project/project phase initiation dates. A common reason for an administrative adjustment is to change the type of federal funds used on the project. To move projects faster through the approval process, staff is requesting that administrative modifications be handled by the Executive Director transmitting these changes directly to the Arizona Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration, as appropriate, and providing a copy of the change to the MAG member agencies. This would be especially helpful in order to meet the tight deadlines imposed by the American Recovery and Reinvestment Act (ARRA) legislation for transportation projects. Amendments to projects in the TIP and RTP would not change, and would still need to be heard through the MAG Committee process. On November 23, 2009, the MAG Regional Council Executive Committee received a presentation on this item and requested that additional detail be provided and that this item be forwarded to the Regional Council for further discussion. Please refer to the enclosed material.

8. Solicitation of Names to Submit to the Speaker of the House to Fill a Vacancy on the Transportation Policy Committee

With the passage of Proposition 400 on November 2, 2004, the President of the Senate and the Speaker of the House of Representatives were authorized to each appoint three business members to the Transportation Policy Committee (TPC). In January 2007, the Speaker of the House of Representatives appointed Mr.

7. Approval to allow the MAG Executive Director to approve and transmit to the Arizona Department of Transportation (ADOT), the Federal Transit Administration (FTA), and the Federal Highway Administration (FHWA), as appropriate, administrative modifications to the MAG Transportation Improvement Program that include the following four types of changes: 1) revisions to project descriptions that do not involve changes to the scope of the project; 2) changes in the sources of funding for a project; 3) combining or splitting projects with no overall change in the project scope; and, 4) cost decreases.

8. Forward to the Speaker of the House for consideration the name(s) of a person(s) representing a regionwide business interest to fill the remainder of the term of Mr. Eneas Kane (December 31, 2012) on the Transportation Policy Committee.

Eneas Kane, Executive Vice President and Chief Operating Officer for DMB Properties, to a term on the TPC that ends on December 31, 2012. Mr. Kane recently notified the Speaker and MAG that he will be resigning from the TPC effective December 31, 2009. According to state law, the Chairman of the Regional Planning Agency may submit names to the Speaker for consideration in appointing a member representing regionwide business to fill the vacancy. On October 13, 2009, a memorandum was sent to the Regional Council requesting that possible names for consideration be submitted to MAG. It is anticipated that input on names submitted will be provided at the December 2, 2009, TPC meeting and a recommendation made by the Regional Council at the December 9, 2009, meeting. Letters of interest are included in the enclosed material.

9. Appointment of a Member to Fill the Unexpired Portion of an At-Large Seat on the Transportation Policy Committee

Recently, Councilman Gail Barney from the Town of Queen Creek announced his resignation from the Queen Creek Town Council. This resignation creates a vacancy on the Transportation Policy Committee (TPC) for an At-Large seat. On November 18, 2009, a memorandum was sent to Regional Council members requesting that the names of those who wish to be considered for the unexpired portion of the vacant At-Large (geographically balanced) seat be submitted to MAG. According to the composition of the TPC, approved by the Regional Council on April 24, 2002, Interstate 17 is used as the boundary in determining geographic balance. It is anticipated that the Regional Council will select a city/town elected official to fill the unexpired portion of the term (June 2010) at the December 9, 2009, Regional Council meeting. Letters of interest are included in the enclosed material.

9. Appointment of a member to fill the unexpired portion of the At-Large, two-year term (June 2010) on the Transportation Policy Committee.

10. MAG Commuter Rail Studies Update

In 2004, voters approved Proposition 400, which included a provision to fund transportation planning studies. A portion of the planning funds was allocated to Commuter Rail Strategic Planning Study to define requirements and steps needed to plan for and implement commuter rail service in the MAG Region. Findings from the Commuter Rail Strategic Plan indicated the need for three additional planning studies: Systems Study, Grand Avenue Corridor Study and Yuma West Corridor Study. The Systems Study will explore potential corridors and options identified in the Commuter Rail Strategic Plan and review existing freight operations and commuter rail opportunities in existing right of way. The System Study also will establish priorities for implementing commuter rail service and evaluate ridership potential, operating strategies, and capital and operating costs. The Grand Avenue Corridor Study will review potential commuter rail implementation along the existing Burlington Northern Santa Fe (BNSF) right of way between Wickenburg and downtown Phoenix. A corridor development plan reviewing existing and future conditions, an inventory of the existing rail infrastructure, necessary infrastructure improvements to implement commuter rail service, and a conceptual commuter rail operating plan will be developed. The Yuma West Corridor Plan is evaluating the potential to implement commuter rail service within the existing Union Pacific Railroad right of way between downtown Phoenix and the community of Arlington. The planning process includes a review of existing and future conditions, an inventory of the existing rail infrastructure, necessary infrastructure improvements to implement commuter rail service, and a conceptual commuter rail operating plan. MAG staff will provide an overview of the three studies.

10. Information and discussion.

GENERAL ITEMS11. The Arizona We Want

The Arizona We Want is the result of a five-year effort to capture the ideas of both Arizona leaders and the citizens they represent. The first step was taken in 2005 when the Center for the Future of Arizona published the results of a two-year study that reviewed more than 50 major policy reports. The historic reports provide an invaluable record of leadership thinking more than 15 years as Arizona struggled to provide for large and steady influxes of new people. The second phase, launched in 2008, set out to find the voice of Arizona citizens through the Gallup Arizona Poll. More than a snapshot in time, the poll offers a realistic and contemporary picture of what citizens think about life in Arizona communities and what they want for the future. The result is a new framework for action that can be used by leaders in all sectors—an opportunity map, a set of underlying issues that must be resolved, and a true citizens' agenda for The Arizona We Want. Dr. Lattie Coor, Chairman and CEO from the Center for the Future of Arizona, will present the findings of the study. Please refer to the enclosed material.

12. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting will be requested.

13. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

14. Adjournment

11. Information discussion.

12. Information and discussion.

13. Information.